

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, a Trustee
of SORENSEN RESEARCH AND
DEVELOPMENT TRUST,

Plaintiff,

v.

AMPRO TOOLS
CORPORATION, a California
corporation,

Defendant.

No. C 08-96 CW (WDB)

ORDER RE MOTION FOR DEFAULT
JUDGMENT

The Court has received plaintiff's Motion for Default Judgment, filed April 30, 2008. Plaintiff's Motion's does little more than request an evidentiary hearing. Plaintiff sets forth no evidence or legal argument in support of his request for entry of default judgment or in support of the requested damages.

Plaintiff's request for an evidentiary hearing is DENIED without prejudice. If plaintiff seeks entry of default judgment against Ampro, plaintiff must file and serve a motion that includes points and authorities and evidence in support of his request. Plaintiff's motion must address, without limitation, (1) whether it is appropriate to enter default judgment under the factors set forth in *Eitel v. McCool*, 782 F.2d 1470 (9th Cir. 1986), (2) the amount of damages plaintiff seeks and the legal authorities that

1 support plaintiff's contention that he is entitled to damages in the form of a reasonable
2 royalty rate where the damages are sought as a matter of default, (3) argument and
3 authorities supporting plaintiff's proposed method of calculating a reasonable royalty
4 rate where defendant has not appeared and plaintiff may not have evidence
5 establishing defendant's gross sales, and (4) evidence supporting the amount of
6 damages requested.

7 The Court VACATES the hearing scheduled for June 18, 2008. Plaintiff must
8 contact the Court's staff to reschedule a hearing before filing his revised motion.

9 **The Court ORDERS plaintiff to serve a copy of this order on defendant**
10 **immediately.**

11 IT IS SO ORDERED.

12 Dated: May 2, 2008

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15 WAYNE D. BRAZIL
16 United States Magistrate Judge
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15 copies to:
16 parties of record,
17 CW, wdb, stats
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